

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**NEAL DAVID RICKER,
APPELLANT**

DOCKET NUMBER WD74846

DATE: FEBRUARY 26, 2013

Appeal from:

The Circuit Court of Buchanan County, Missouri
The Honorable Weldon C. Judah, Judge

Appellate Judges:

Division Three: Cynthia L. Martin, P.J., Joseph M. Ellis and Gary D. Witt, JJ.

Attorneys:

Jessica P. Meredith, for Respondent

Neal David Ricker, Appellant Pro-se

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

NEAL DAVID RICKER, APPELLANT

WD74846

Buchanan County, Missouri

Before Division Three Judges: Cynthia L. Martin, P.J., Joseph M. Ellis and Gary D. Witt, JJ.

Appellant Neal David Ricker appeals *pro se* from a judgment entered by the Circuit Court of Buchanan County denying his motion to correct, *nunc pro tunc*, the written sentence and judgment entered with respect to his 1994 convictions for assault in the first degree and armed criminal action. Appellant avers that the written sentence and judgment regarding his 1994 convictions contains a clerical error with respect to his status as a persistent offender because he was never charged or found to be a persistent offender pursuant to § 558.019. Rather, Appellant contends that he was charged and found to be a persistent offender pursuant to § 558.016, and, thus, the clerk erred in memorializing his persistent offender status in the written sentence and judgment.

DISMISSED

Division One holds:

(1) Appellant's appeal is dismissed for failure to comply with the Supreme Court Rule 81.12, which requires the record on appeal to contain all of the records, proceedings and evidence necessary to the determination of all questions presented to the appellate court for decision. Appellant's failure to file the transcripts with respect to his 1994 convictions and sentencing hearing prevents us from determining whether the trial court made any findings with respect to Appellant being a persistent offender pursuant to § 558.019 or whether the trial court's written sentence and judgment deviates from its oral pronouncement of Appellant's sentence in open court. Thus, we must dismiss Appellant's appeal because he failed to provide us with all the information necessary to determine the issue he raised on appeal.

Opinion by Joseph M. Ellis, Judge

Date: February 26, 2013

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